

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7396 of 1995

STATE OF GUJARAT

Versus

SHAMBHUBHAI KHODABHAI PATEL

CORAM : MR.JUSTICE A.N.DIVECHA

Date of decision: 21/03/96

ORAL ORDER

There are three unsurmountable hurdles in the way of the petitioner in this case. The impugned decision by the Gujarat Revenue Tribunal at Ahmedabad (the Tribunal for convenience) was rendered as early as on 22nd September 1986. This petition has been filed nearly nine years thereafter on 28th August 1995 for challenging it. It thus suffers from the vice of inordinate delay on the part of the petitioner. Such inordinate delay has not come to be satisfactorily explained by or on behalf of the petitioner. This petition does not deserve to be entertained on this ground alone.

2. It transpires from the impugned decision of the Tribunal at Annexure-B to this petition that the revisional application itself was barred by the law of limitation. It appears that the petitioner has been guilty of delay even before the Tribunal. The Tribunal has however chosen to condone the delay though not on satisfactory reasoning.

3. Even on merits, the impugned decision of the Tribunal calls at Annexure-B to this petition calls for no interference by this court in this petition. It transpires from para 5 of the impugned decision at Annexure-B to this petition that the Tribunal has found the transaction in question to be between an agriculturist and an agriculturist. It has therefore correctly come to the conclusion that the permission granted by the Deputy Collector under section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948 was quite just, legal and proper. This conclusion reached by the

Tribunal is in consonance with law. It calls for no interference by this court in this petition.

4. In view of my aforesaid discussion, I am of the opinion that this petition deserves to be and is hereby summarily rejected.

21st March 1996

(A.N.DIVECHA, J.)